

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANNA J. CHERNY,

Plaintiff,

vs.

MONTY ROESLER, in his official
capacity; JOHN DOE I, in his individual
and official capacity; ALAN MOORE, in
his individual and official capacity; and
SALINE COUNTY,

Defendants.

8:21CV366

ORDER

This matter is before the court on Defendants' motion for leave to depose Plaintiff Anna J. Chernyy, who is currently incarcerated at Federal Correctional Institution – Waseca, 1000 SW University Drive, Waseca, MN, 56093. ([Filing No. 64](#)). The deposition will be taken via WebEx.

Federal Rule of Civil Procedure Rule 30(a)(2)(B) states that a party must obtain leave of court to depose a person confined in prison. Leave shall be granted to the extent consistent with the principles stated in Rule 26(b)(2). Fed. R. Civ. P. 30(a)(2). Upon review of the pending motion,

IT IS ORDERED:

- 1) Defendants' motion to depose, ([Filing No. 64](#)), is granted. The depositions will commence on October 23, 2023, or at a date and time agreeable to the penal facility where Anna J. Chernyy is housed. The location of the deposition shall be a place agreeable to the administration of that penal facility.

- 2) Anna J. Chernyy is ordered to attend the deposition as scheduled and shall cooperate fully with the deposition process to the extent required by law.
- 3) Anna J. Chernyy is reminded that failing to attend and fully cooperate in the deposition process will be deemed a violation of this court's order, which may result in civil or criminal contempt proceedings, and may also impact the calculation of earned and unearned good time credit.
- 4) A copy of this order shall be attached to the notice of deposition served on Anna J. Chernyy. If the notice is served on counsel for Anna J. Chernyy, the deponent's counsel shall forward the notice with this order to Anna J. Chernyy and shall file a certificate of service stating the date and manner of service.

Dated this 10th day of August, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge